

## Article - Health - General

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§17-2A-09.

(a) The Secretary may deny a license to an applicant or suspend, revoke, or limit a license or the authority of a licensee to offer or perform tests that a license sets forth, if the forensic laboratory or its director or other personnel fail to meet the standards and requirements of this subtitle.

(b) (1) If the Secretary finds that a forensic laboratory licensed under this subtitle no longer meets the standards and requirements of this subtitle, the Secretary may:

(i) Revoke the license of the forensic laboratory; or

(ii) Suspend the license of the forensic laboratory.

(2) If a deficiency exists, the Secretary may:

(i) Impose a directed plan of correction;

(ii) Regularly inspect the forensic laboratory to assure compliance with the directed plan of correction; or

(iii) Limit the testing authorized by the license.

(c) If the Secretary finds that a forensic laboratory provided erroneous or questionable test results, the Secretary may order the laboratory to provide written notification to:

(1) The person or agency that ordered the tests;

(2) The Office of the Public Defender or counsel of record; and

(3) The State's Attorney.

(d) A State's Attorney who receives notification from a laboratory under subsection (c) of this section shall notify the victim of the criminal act or the victim's representative of the erroneous or questionable test results.

(e) A forensic laboratory that fails to comply with an order issued by the Secretary under subsection (c) of this section is subject to a civil penalty of up to

\$1,000 for each day of noncompliance after the deadline for compliance stated in the Secretary's order, not to exceed a maximum penalty of \$50,000.

(f) Except as otherwise provided in the Administrative Procedure Act, before the Secretary denies, suspends, or revokes a license, or imposes a civil penalty under this section, the Secretary shall give the applicant or licensee notice and an opportunity for a hearing.

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